

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ANDRE MONTEEK EDWARDS,

Petitioner,

v.

THOMAS WINN,

Respondent.

Case Number: 2:19-CV-10376

HON. DENISE PAGE HOOD

**ORDER DENYING AMENDED RULE 60(b) MOTION (#74),
MOTION FOR RECONSIDERATION RE JUDGMENT (#77),
AND MOTION TO APPOINT COUNSEL (#78)**

This matter is before the Court on various motions filed by Petitioner Andre Monteeck Edwards. On March 31, 2022, an Opinion and Order denying the Petition for Writ of Habeas Corpus was filed, along with a Judgment. (ECF Nos. 42, 43) Petitioner has since filed several post-judgment motions. On March 15, 2023, the Sixth Circuit Court of Appeals entered an Order denying Petitioner's multiple applications for a certificate of appealability. (ECF No. 55) Petitioner then filed Motions under Rule 60(b) which this Court transferred to the Sixth Circuit Court of Appeals. (ECF No. 66) The Sixth Circuit dismissed Petitioner's appeal from this Order. (ECF No. 67) The Sixth Circuit denied Petitioner the authorization to file successive habeas petitions and Petitioner's request to return his Rule 60(b) motion to the district court for consideration on the merits. (ECF

No. 72) For the reasons set forth below, the Court denies Petitioner's current motions.

In his Amended Rule 60(b) Motion for Relief from Judgment, Petitioner states that on December 6, 2023 (ECF No. 66), this Court transferred his prior Rule 60(b) motions to the Sixth Circuit Court of Appeals. (ECF No. 74, PageID.4012) Petitioner then asserts that "[s]ubsequently, the Sixth Circuit remanded his case for this Court to rule on his Rule 60(b) motion" and that he filed "this Amended Rule 60(b) motion for consideration under Rule 60(b)(6)." *Id.*

A review of the docket does not show that the Sixth Circuit remanded Petitioner's case for this Court to rule on his Rule 60(b) motion, and Petitioner has not submitted a copy of any such order from the Sixth Circuit. In its February 2, 2024 Order, the Sixth Circuit ruled it lacked jurisdiction over Petitioner's appeal from this Court's Order transferring Petitioner's Rule 60(b) motions to the Sixth Circuit and dismissed the appeal. *Edwards v. Cargor*, Case No. 24-1029 (6th Cir. Feb. 2, 2024); ECF No. 72, PageID.4009. In ruling on whether this Court properly transferred Petitioner's Rule 60(b) motions, the Sixth Circuit denied authorization to file a second or successive § 2254 habeas corpus petition and denied Petitioner's "request to return his Rule 60(b) motion to the district court for the consideration on the merits." *In re: Andre Monteeck Edwards*, Case No. 23-2064 (6th Cir. Aug. 6, 2024); ECF No. 75, Page ID.4041. The Sixth Circuit found that it had "already

determined that Edwards was not entitled to a COA on that [ineffective assistance of counsel] claim because it did not ‘deserve encouragement to proceed further.’”

Id. The Court therefore denies Petitioner’s Amended Rule 60(b) Motion for Relief from Judgment and the Motion for Reconsideration re Judgement since the Sixth Circuit did not authorize the Court to consider the merits of Petitioner’s motions.

Accordingly,

IT IS ORDERED that the Amended Rule 60(b) Motion for Relief from Judgment (**ECF No. 74**) is DENIED.

IT IS FURTHER ORDERED as the Motion for Reconsideration re Judgment (**ECF No. 77**) is DENIED.

IT IS FURTHER ORDERED that Petitioner’s Motion to Appoint Counsel (**ECF No. 78**) is DENIED.

IT IS FURTHER ORDERED that a certificate of appealability not issue in this matter because reasonable jurists would not find this Court’s assessment of Petitioner’s motions to be debatable or wrong. *See Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000); 28 U.S.C. § 2253(c)(2); Rules Governing § 2254 Cases, Rule 11(a), 28 U.S.C. foll. § 2254.

s/Denise Page Hood

DENISE PAGE HOOD

United States District Judge

Dated: March 5, 2025